REMARKS

In the Office Action, the Examiner rejected claims 1-16 under 35 USC §103. These rejections are fully traversed below. The claims have been amended to correct minor informalities and to further clarify the subject matter regarded as the invention, in order to expedite allowance of the pending claims. Claims 17-21 have been added. Claims 1-21 are now pending.

In response to the objection to the drawings, Applicant has resubmitted a copy of the formal drawings previously submitted in response to the Notice to File Corrected Application Papers.

Reconsideration of the application is respectfully requested based on the following remarks.

REJECTION OF CLAIMS 1-38 UNDER 35 USC §103

In the Office Action, the Examiner rejected claims 1-16 under 35 USC §103 as being unpatentable over Ohba et al., U.S. Publication No. US 2004/0098588 A1, ('Ohba' hereinafter). This rejection is fully traversed below.

As noted in the Background section of Applicant's specification, the IP address is not known during layer 2 authentication. In a network such as an SSG based network, it is not possible to correlate the layer 2 information with the layer 3 information. As a result, a user must typically enter identifying information such as a password to enable the network to correlate this layer 2 and layer 3 information. However, this method of authentication would be undesirable in a situation in which a user is using a device such as a cell-phone.

The invention as recited in the pending claims enables a Mobile Node to be authenticated without performing layer 3 authentication. More particularly, an IP address associated with layer 2 information is received without performing layer 3 authentication. For example, as recited in claim 4-6, this may be accomplished by receiving a packet such as an ACCT start or an ACCT stop packet that includes the IP address.
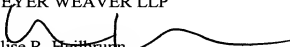
The pending claims recite the receiving of an IP address associated with the layer 2 information without performing layer 3 authentication. The Examiner admits that Ohba fails to disclose that the unorphaning occurs when an IP address associated with the layer 2 information is received such that the unorphaned host object includes the IP address and layer 2 information. The Examiner asserts that "Ohba does show that if layer 3 authentication is performed after layer 2 authentication session information may be shared by authentication in different layers (see paragraph 39)." Thus, the Examiner admits that Ohba requires that layer 3 authentication be performed in order to obtain the IP address. Accordingly, Applicant respectfully asserts that Ohba teaches away from authenticating a Mobile Node without performing layer 3 authentication.

Based on the foregoing, it is submitted that the claims are patentable over the cited reference. The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above-discussed limitations are clearly sufficient to distinguish the claimed invention from the cited reference. Thus, it is respectfully requested that the Examiner withdraw the rejection of the claims under 35 USC §103.

Reconsideration of the application and an early Notice of Allowance are earnestly solicited. If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0388 (Order No. CISCP345).

Respectfully submitted,
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